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E.O. 12958: DECL: 07/11/2033
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SUBJECT: (S) FOLLOW-UP TO OUR REQUEST TO BOARD
MALTESE-FLAGGED M/V FIFTH OCEAN ON JUNE 8, 2008

Classified By: ISN Acting DAS Ken Staley,
Reasons 1.4 (b), (c), and (d)

ACTION REQUEST

¶1. (S//REL Malta) Post is requested to approach appropriate-level host nation officials regarding our request over the weekend of June 7-8 concerning the Maltese-flagged vessel M/V FIFTH OCEAN. Post may draw from background, objectives, and talking points/non-paper below, as appropriate. As appropriate, Post should coordinate this demarche with the Defense Attach office.

OBJECTIVES

¶2. (S//REL Malta) Post should:

-- Explain our rationale for not invoking our bilateral PSI shipboarding agreement;

-- Re-assure Maltese officials of the value we place in our bilateral ship-boarding agreement;

BACKGROUND

¶3. (S//NF) The M/V FIFTH OCEAN, a Maltese-flagged vessel operated by the Islamic Republic of Iran Shipping Lines (IRISL), was carrying a cargo of North Korean-origin steel consigned to Syria's Mechanical Construction Factory (MCF). According to our information, MCF has been associated with Syria's weapons development programs, making the shipment of proliferation concern.

¶4. (S//NF) The vessel made scheduled port calls in Marsaloxx, Malta; Valencia and Barcelona, Spain; and Genoa, Italy. We had initially approached Spanish and Italian authorities and requested that they inspect the vessel and its containerized cargo to determine whether the steel in question was controlled under any nonproliferation export control regime, or if it had any WMD, ballistic missile, or other military applications. Spanish authorities deferred to their Italian colleagues. Italy, however, declined to off-load and inspect the relevant containers, citing the difficulty of inspecting containers located so deep in the vessel's cargo hold. Accordingly, while the vessel was in Genoa, Italian officials conducted only a cursory inspection of the ship and its documentation.

¶5. (S//NF) In order to gather more information regarding the shipment, US European Command (EUCOM) proposed conducting a compliant boarding of the vessel to inspect its cargo. The Interagency agreed to this course of action and decided not to invoke the US-Malta PSI Ship-Boarding Agreement (SBA), given uncertainties about the nature of the cargo. We understand that EUCOM then contacted the DATT and asked him

to approach Maltese authorities via Defense Attach channels to request a compliant boarding. Since Malta agreed to allow the boarding only if the PSI Ship-Boarding Agreement was invoked, and since EUCOM had been granted authority to conduct the boarding only without invoking the agreement, the boarding was not conducted. The FIFTH OCEAN proceeded to the Egyptian port of Damietta, where it off-loaded the cargo for transshipment to Syria.

TALKING POINTS/NON-PAPER:

¶4. (S//REL Malta) Begin talking points/non-paper:

-- We would like to follow up with you regarding our rationale for requesting your permission to board the M/V FIFTH OCEAN.

-- We had received information that the M/V FIFTH OCEAN was transporting 12 containers, whose contents were described as steel materials for construction.⁸

-- Our information indicated that the consignee for this shipment was Mechanical Construction Factory (MCF) in Damascus, Syria. MCF is an entity associated with Syria's weapons development program. The shipper of this cargo was the Chinese shipping company COSCO Logistics (Dalian) Company. Our information also indicated that the DPRK's Korean Foreign Transportation Corporation was also probably involved in this shipment.

-- Due to the consignee's past involvement in activities related to Syria's weapons programs, we wanted to board the vessel to investigate this shipment and gather additional information regarding the cargo and possibly determine whether it involved any items of proliferation concern.

-- Uncertainty about whether this cargo was related to a WMD or delivery system program influenced our decision not to invoke the PSI shipboarding agreement with Malta.

-- Upon further review of this situation, we believe there was a reasonable basis for a compliant boarding pursuant to the Shipboarding Agreement.

- We place great value on the Shipboarding Agreement and believe it will continue to be an important means of achieving our shared goal to prevent the proliferation of WMD and ballistic missiles. The lessons learned in this case will help ensure that if we need to invoke the Shipboarding Agreement in the future, it will be done in an efficient manner.

END POINTS.

POINT OF CONTACT AND REPORTING REQUIREMENT

¶5. (U) Washington point of contact for follow-up is Mark Felipe, ISN/CPI, (202) 647-5376, felipem2@state.sgov.gov.

¶6. (U) Please report delivery of points and any immediate response by 30 June.

¶7. (U) Washington thanks posts for assistance. Please slug responses for EUR, ISN, and T.
RICE

NNNN

End Cable Text